

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

NASTASHA BURDYN

Plaintiff,

v.

OLD FORGE BOROUGH, et al.

Defendants.

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3:12-CV-2236
(JUDGE MARIANI)

ORDER

AND NOW, THIS 26th DAY OF JANUARY, 2017, upon consideration of

Defendant Krenitsky's Motion in Limine to Exclude all Evidence of and Reference to Defendant's Criminal Arrest, Charges, Resulting Suspension and Resignation, Guilty Plea, and Nolle Prossed Charges (Doc. 249); Plaintiff's Motion in Limine to Preclude Defendants from Denying that Defendants Lawrence A. Semenza, James Krenitsky and Walter Chiavacci Engaged in the Criminal Acts for Which they Pleaded Guilty (Doc. 257); and Defendant Semenza's Motion in Limine to Exclude all Evidence of and Reference to Defendant's Criminal Arrest, Charges, Resulting Suspension and Resignation, Guilty Plea, Reversal, Acquittals, and Nolle Prossed Charges (Doc. 263), for the reasons set forth in the accompanying memorandum opinion, **IT IS HEREBY ORDERED THAT** the Motions are


GRANTED IN PART AND DENIED IN PART as follows:

1. Evidence of, and reference to, Defendants Semenza, Krenitsky, and Chiavacci's criminal *nolle prossed* charges are precluded.

2. Evidence of the criminal charges to which Krenitsky and Chiavacci pleaded guilty is not precluded.
3. Evidence of, and reference to, Defendants Krenitsky and Chiavacci's guilty pleas are not precluded. The admission of this evidence is limited to the facts and details specific to the charges to which Krenitsky and Chiavacci pleaded guilty.
4. Evidence of, and reference to, Krenitsky's suspension and resignation from the Police Department are not precluded.
5. Evidence of, and reference to, Semenza's acquittal, jury convictions and the reversal of his convictions are precluded.
6. The Court defers ruling on the admissibility of evidence of, and reference to, Semenza's guilty plea to harassment.
7. Testimony offered at Semenza's criminal trial is excluded from the present trial.
8. This Court's ruling on the present motions that evidence of, and reference to, Defendants' *nolle prossed* charges and Semenza's acquittal and the reversal of his convictions will be precluded is subject to each of the individual defendants opening the door with respect to that Defendant's *nolle prossed* charges and, in Semenza's case, his introduction of evidence of his acquittal and those convictions which were overturned. The Court's ruling is also subject to the exception that if Semenza attempts to use any testimony from his criminal trial, this testimony may open the door to the presentation of evidence that Semenza stood trial for events relating to

Burdyn, his acquittal on certain counts, his conviction on the remaining counts, and evidence that his conviction was reversed on appeal.

9. The Court notes that these rulings are all subject to revision upon the presentation of facts or arguments that present a basis for admission other than those advanced by the moving parties.



Robert D. Mariani
United States District Judge